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RUMANIAN DECREE ON ORGANIZATION AND DUTIES OF JUDICIARY

[Decree No 99, issued in Bucharest on 20 February 1953 by the Presidium of the Grand National Assembly of the Rumanian People's Republic, gives the organization and duties of the Rumanian judiciary.]

GENERAL INSTRUCTIONS

Article 1

Duties of the Judiciary of the Rumanian People's Republic are as follows:

a. Maintenance of social and state order in the Rumanian People's Republic.

b. Protection of the fundamental rights of workers, as well as all other rights and interests guaranteed by the laws of the Rumanian People's Republic.

c. Protection of the rights and interests of all state institutes and organizations, state economic enterprises and organizations, agricultural collectives, and any other cooperative enterprises and organizations, as well as any other people's organizations.

The judiciary has the duty of insuring strict obedience to all laws of the Rumanian People's Republic by all state organizations and institutes, state economic enterprises and organizations, agricultural collectives, and any other cooperative organizations and enterprises, as well as by all private citizens of the Rumanian People's Republic.

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Article 2

The tribunals of the Rumanian People's Republic, using legal sanctions, have the duty of defending the people's democratic regime, and at the same time of re-educating all wrongdoers.

Tribunals educate citizens of the Rumanian People's Republic and teach them to love their country and the construction of socialism.

Article 3

The Rumanian People's Republic has the following tribunals:

a. Raion people's tribunals, the city people's tribunals, and the municipal raion people's tribunals

b. Tribunal of the capital of the Rumanian People's Republic and regiune tribunals

c. The Supreme Tribunal

The following special tribunals serve various fields of activity:

a. Military tribunals

b. People's tribunal for railroads

c. People's tribunal for maritime and river disputes

Article 4

The Rumanian judiciary has jurisdiction over the following:

a. Trying all penal cases and sentencing all traitors, spies, saboteurs of socialism, criminals against peace and humanity, warmongers, plunderers, thieves of state property, and all other thieves and wrongdoers.

b. Trying all civil cases pertaining to the rights and interests of private citizens, state institutions and organizations, state economic organizations and enterprises, agricultural collectives, and any other cooperative organizations or enterprises, as well as any other people's organizations.

Article 5

The judiciary of the Rumanian People's Republic does not discriminate among citizens of the country as to sex, nationality, race, religion, or degree of education.

Article 6

All judges, irrespective of the positions they hold, are free and independent in their actions and their only duty is to support the law.

Article 7

Tribunals of the Rumanian People's Republic use the Rumanian language.

In those regiunes and raions which are inhabited by foreign nationalities, the use of that foreign language will be guaranteed to the inhabitants.

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In all cases, and before all tribunals throughout the country, any individuals who do not understand the Rumanian language are guaranteed the right of inspecting the trial briefs and of being represented by an interpreter.

Article 8

All trials are open to the public, with the exception of trials which are restricted by law.

The right of defense is guaranteed by all tribunals, by the codes of civil procedure, and by the present decree.

Article 9

For sound judicial reasons, and to insure better administration of justice, any superior tribunal may assume jurisdiction over any case being tried in a lower tribunal in order to dispose of the case itself, pass it on to a superior tribunal, or reassign it to another tribunal of at least the same grade as that tribunal from which it was originally recalled.

A tribunal may adjudicate cases even outside its normal jurisdiction, it that is necessary for the normal exercise of justice.

Article 10

Tribunals have the right to review cases, in order to verify the legality and the soundness of sentences and other decisions taken.

The Supreme Tribunal of the country has the right to consider all cases taken on appeal and to change any sentence or prior judicial decision.

Article 11

Every tribunal is under the direction of a judicial board composed of one judge and two people's assessors.

All appeals are judged by a judicial board composed of three judges.

Article 12

All laws, instructions, and requirements pertaining to judges or tribunals apply similarly to people's assessors sitting on the benches of people's tribunals.

Article 13

People's assessors are nominated by the following worker's organizations: organizations of the Rumanian Workers' Party, unions, cooperatives, youth movements, and any other people's organizations or cultural associations.

People's assessors on judicial tribunals are elected by the voters at the time of general workers' meetings in enterprises, institutions, collectives, state farms, and individual holdings. People's assessors elected to the special tribunals for railroads or for maritime and river cases, or to regiune tribunals are elected by regiune people's councils of the regiune where the tribunal is located.

People's assessors on the tribunal of the capital of the Rumanian People's Republic are elected by the Bucharest People's Council.

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People's assessors on the Supreme Tribunal are appointed by the Grand National Assembly at the same time and for the same duration as the judges of the Supreme Tribunal.

People's assessors on all other tribunals of the nation are elected for a term of one year. In order to be an eligible voter, a person must be at least 18 years old, and to qualify as a people's assessor at least 23 years old.

The following persons cannot vote and cannot be elected people's assessors: persons lacking normal mental faculties, persons who are denied the privilege of voting by courts, persons who are found to be unqualified and unfit for voting according to laws governing election of deputies to the Grand National Assembly.

Election of people's assessors to military tribunals is carried out in accordance with the law governing the election of judges and prosecutors of military tribunals.

Article 14

The duty of serving as a people's assessor on any tribunal is compulsory. People's assessors are called by the president of the tribunal and they serve the required period on the bench. People's assessors are selected from a list of numerous persons eligible to be people's assessors and must serve for the duration of a trial, but no longer than 30 days in one year.

All people's assessors on judicial tribunals retain their normal occupation throughout this period of service. The people's assessor will be compensated daily for time served on the bench. This fee is the equivalent of his average daily wage, as set forth in Article 135 of the Labor Code. The people's assessor will be paid by the enterprise where he is employed, and the enterprise will in turn be compensated by the Ministry of Justice every 4 months. In the event the people's assessor to the tribunal is not regularly employed, he will still be compensated by a daily wage which is to be determined by the respective tribunal.

Article 15

People's assessors on a tribunal are responsible for all their actions to the voters who elected them.

Article 16

Withdrawal of a person's right to serve as a people's assessor on a tribunal can be done only through a general meeting of the people or organization which originally elected him, or as the result of an official court sentence.

Article 17

The procedure for electing people's assessors to a tribunal will be set forth in a ruling of the Council of Ministers.

Article 18

All proceedings brought against judges of any regiune or raion people's tribunal will be brought by the regiune prosecuting attorney, with the approval of the Procurator-General of the Rumanian People's Republic.

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All proceedings brought against judges of the tribunal of the capital will be brought by the prosecuting attorney of the capital with the approval of the Procurator-General of the Rumanian People's Republic.

All proceedings brought against any member of the Supreme Tribunal will be brought by the Procurator-General of the Rumanian People's Republic, with the approval of the Presidium of the Grand National Assembly.

TRIBUNALS

Article 19

Every raion will have one or more raion people's tribunals. Every city may have city people's tribunals or municipal raion people's tribunals.

The exact number of people's tribunals will be set forth by an order of the Ministry of Justice. A similar order will set forth the jurisdiction of the various people's tribunals of the country.

Article 20

Every people's tribunal is composed of a number of judges and is headed by a president.

The president of the people's tribunal will determine the order of seniority of the judges in his courts, as well as the order in which he will be replaced in case of absence from duty. He will also designate the judges who will be called upon to serve on special duty, incidential to the normal activity of the people's tribunal.

Article 21

The people's tribunal has the right to try any case in its jurisdiction, with the exception of those cases which are recalled by a higher tribunal and assigned elsewhere.

Article 22

A tribunal for the capital of the Rumanian People's Republic is hereby set up in the capital of the Rumanian People's Republic.

Each regiune center will have a regiune people's tribunal, which has jurisdiction over the entire regiune.

The tribunal of the capital of the Rumanian People's Republic, as well as all regiune tribunals, will have one or more penal courts and one or more civil courts.

The number of both such courts will be established through an order of the Ministry of Justice.

Article 23

The tribunal of the capital of the Rumanian People's Republic, as well as every regiune tribunal, is composed of a number of judges who are under the direction of the president of the tribunal. The president is assisted by one or several assistant presidents of the tribunal.

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In the event that the president is absent, or prevented from coming to court, one of the assistant presidents will take over the duties of the president, in the order previously established by the president.

The president will also establish the order in which the assistant president will be replaced. He further assigns judges to the various courts of the tribunal and assigns to the judges any duty pertinent to the activity of the people's tribunal.

The president must head at least one of the penal courts of the tribunal. He has the right to supervise any trial being conducted in the tribunals.

Article 24

The tribunal of the capital of the Rumanian People's Republic and all regiune tribunals have appellate jurisdiction over all sentences or decisions issued by lower courts within that regiune.

The tribunal of the capital of the Rumanian People's Republic and all regiune tribunals have original jurisdiction over all cases which are assigned to them by law.

Article 25

One of the courts of the regiune tribunal, located in any city where the Rumanian Railroads have regiune offices, has the right to act as an appellate court for all sentences and decisions issued by the people's tribunal for railroad cases. This same court has also original jurisdiction in cases established by law.

Sentences and decisions issued by the Bucharest People's Tribunal for Railroad Cases may be appealed to the penal courts of the tribunal of the capital of the Rumanian People's Republic. Beside having appellate jurisdiction, this court has original jurisdiction in all cases designated by law.

Article 26

Appeals taken from people's tribunals for maritime and river cases may be directed to one of the penal courts of the regiune tribunal located in the same district as the lower court from which the appeal was taken. In the event that the case is of a civil nature, the appeal is taken to the civil court of the regiune people's tribunal.

The same penal court which tries cases on appeal as described in the above paragraph has also original jurisdiction in cases established by law.

Article 27

The judges of the courts described in Articles 25 and 26 above are appointed by an order of the Ministry of Justice.

Article 28

Military tribunals of the Rumanian People's Republic are as follows:

a. Military tribunals for the various territorial military tribunals.

b. Military tribunals for the military regions and for the navy, as well as military tribunals for the units of the Ministry of State Security.

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Article 29

All military tribunals are given the right to organize their own courts.

Article 30

All people's tribunals trying railroad cases will be located in cities where the Rumanian railroad has regiune offices.

Article 31

All people's tribunals trying railroad cases have original jurisdiction over cases assigned to them by law.

Article 32

People's tribunals trying maritime and river cases are located in cities to be designated by an order of the Ministry of Justice. This same ministry will establish the extent of jurisdiction of these tribunals.

Article 33

People's tribunals trying maritime and river cases have original jurisdiction over cases assigned to them by law.

Article 34

All special tribunals are composed of a number of judges who are under the direction of the tribunal president.

The president of a special tribunal has the duty of outlining the order of seniority in which he will be replaced, in case of his absence from duty. He also has the right of assigning the judges of the court to any duties which are pertinent to the activity of the special tribunal.

Article 35

The Rumanian People's Republic will have one Supreme Tribunal.

The Supreme Tribunal will be located in the capital of the Rumanian People's Republic.

Article 36

The Supreme Tribunal will have one field court, one civil court, and one military court, each composed of the necessary number of judges.

Article 37

The Supreme Tribunal is under the direction of the tribunal president. He will be assisted by one or several assistant presidents, and the presidents of the separate courts of the Supreme Tribunal. These will be personally chosen by the president of the Supreme Tribunal from judges of the Supreme Tribunal.

Article 38

The president and the judges of the Supreme Tribunal are elected by the Grand National Assembly.

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Article 39

The president of the Supreme Tribunal presides over the entire tribunal and has the right to try any case in the court.

In the event of absence from duty, the president of the tribunal is replaced by one of his assistant presidents.

The president will also choose the persons to replace the assistant presidents of the tribunal, as well as the presidents of the individual courts, in the event that any of those persons are absent from duty. He also assigns judges to the various courts of the tribunal.

The president of the tribunal has the right to call special sessions to try any appeals from sentences or final decisions issued by a lower court.

Article 40

All plenary sessions of the Supreme Tribunal must be attended by a quorum of at least half the number of regular judges of the tribunal. This number will always be an odd number.

Article 41

The Supreme Tribunal has the following duties:

a. It considers cases on appeal from lower tribunals. In the event that the original sentence or decision was issued by one of the courts of the Supreme Tribunal, the appeal will be considered in a plenary session of the Supreme Tribunal.

b. To give instructions to all lower tribunals of the country. To that end, a plenary session of the Supreme Tribunal meets every 3 months in the presence of the Minister of Justice and of the Procurator-General of the Rumanian People's Republic.

Article 42

The Supreme Tribunal has, in addition, appellate jurisdiction over all sentences and decisions issued by the tribunal of the capital of the Rumanian People's Republic, by the regiune tribunals, by military tribunals, and by all other special tribunals of the country.

Article 43

The execution of sentences and judicial decisions in all civil and penal cases will be carried out by judicial executioners (excutionar).

Article 44

Judicial executioners are present in every people's tribunal.

Their duties and special functions will be set forth in a special order issued by the Ministry of Justice.

Article 45

Any acts which are carried out by the judicial executioner, in the performance of his duties are compulsory and must be accepted by all persons, corporeal or noncorporeal; central and local administrative bodies of the state; state economic institutions, enterprises, and organizations; cooperative organizations and enterprises; and any other people's organizations.

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Article 46

Each tribunal of the country will have one or more judicial boards. All sentences or judicial decisions will be issued through the majority vote of all members of the judicial board.

In the event of the death of one of the members of the board, or in the event that a member of the board cannot vote in any given trial, the trial can continue provided the necessary quorum is present. In the event, however, that a quorum is not present, the case will be newly adjudicated.

Article 47

People's tribunals which are located in a district where a land registry office exists have jurisdiction over said office.

Article 48

The present decree hereby changes certain terminology of Decree No 132 of 1949:

a. Supreme Court is changed to Supreme Tribunal

b. Court is changed to tribunal

c. People's court and tribunal is changed to people's tribunal

d. First president is changed to president

e. Chief judge is changed to president.

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